MONTANA
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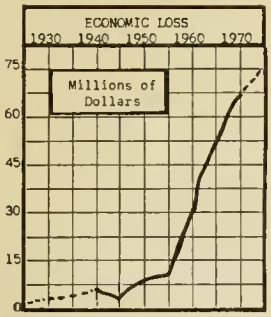
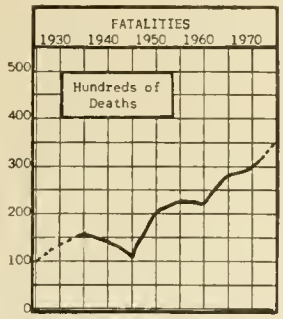
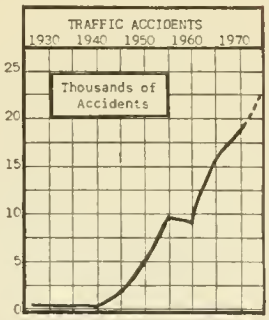
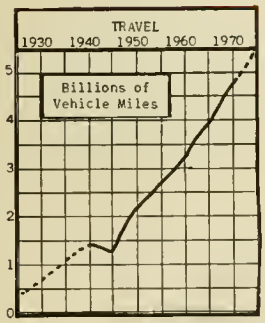
STATE DOCUMENTS

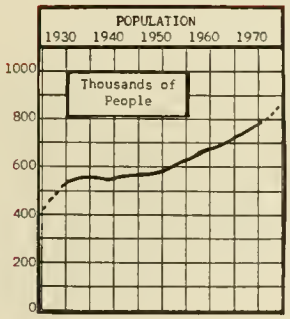


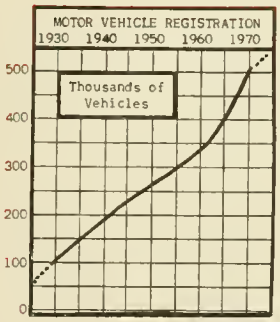


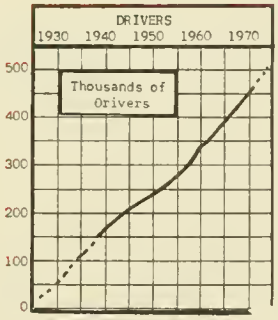


WE NEED HELP









Presented by

Alex B. Stephenson, Supervisor, Montana Highway Patrol

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MONTANA HIGHWAY PATROL

HELENA, MONTANA - 59601

MONTANA HIGHWAY PATROL 3-7-77

TIM BABCOCK
GOVERNOR

ALEX B. STEPHENSON
SUPERVISOR

November 10, 1966

Senator David F. James
Box 221
Joplin, Montana

Dear Senator James:

With the 40th Legislative Assembly convening in January 1967, and in view of the many legislative measures with which you as a law maker will be confronted, we are taking this opportunity to give you a preview of the needs and problems of the Montana Highway Patrol.

Enclosed is a brochure of factual information prepared by the Patrol to better inform you of the departments needs and related problems in the areas of enforcement, driver licensing and administration.

I particularly want to call to your attention page 32, of the enclosed brochure concerning federal legislation enacted last year that will have a profound influence on the states future legislative requirements.

The President's Traffic Safety Act requires each state to meet certain performance standards in establishing and upgrading their traffic safety programs. States failing to establish traffic safety programs according to the prescribed standards by January 1, 1968, risk the loss of ten percent of their highway allotment and all funds under the safety program.

I trust you will find this information helpful. In the event you have any questions or need additional information, please let me know.

Respectfully yours,

Alex B. Stephenson

ALEX B. STEPHENSON, Supervisor
Montana Highway Patrol

ABS:ck

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http://www.archive.org/details/weneedhelp1967step

What is the Problem ?

There are more motor vehicles

1940 - - - - - - - 191,032

1950 - - - - - - - 264,892

1960 - - - - - - - 381,136

1961 - - - - - - - 388,344

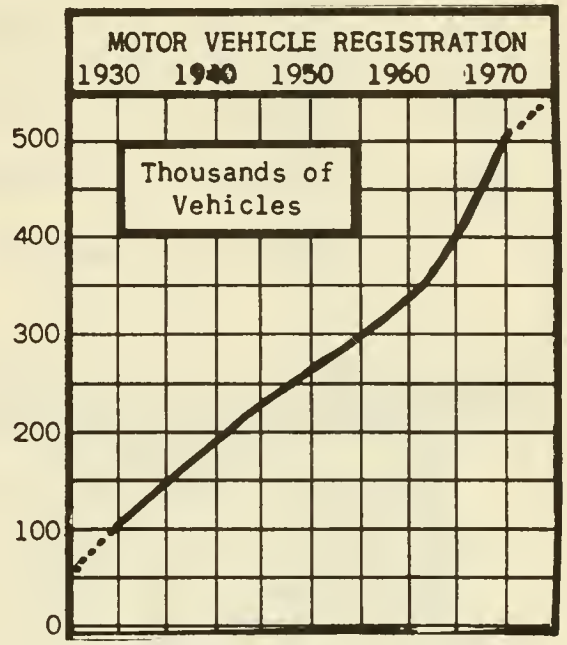
1962 - - - - - - - 402,937

1963 - - - - - - - 419,264

1964 - - - - - - - 426,446

1965 - - - - - - - 453,491

1970 (projected) 510,000



There are more drivers

1940 - - - - - - - 173,665

1950 - - - - - - - 240,810

1960 - - - - - - - 346,490

1961 - - - - - - - 353,040

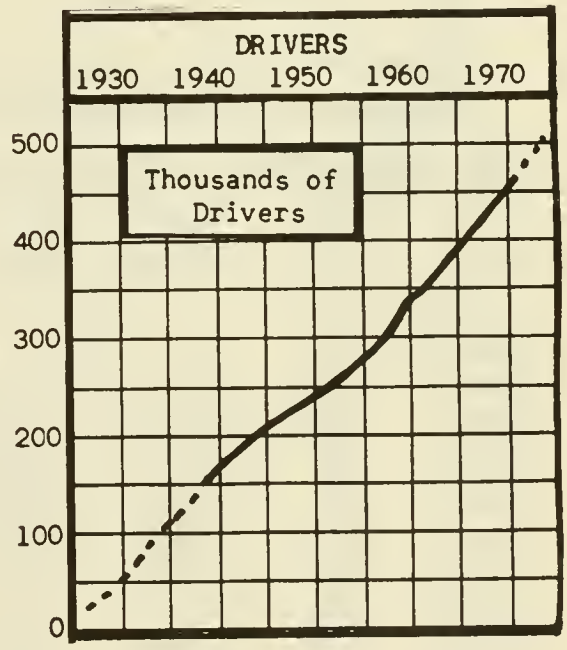
1962 - - - - - - - 366,300

1963 - - - - - - - 381,150

1964 - - - - - - - 387,675

1965 - - - - - - - 412,260

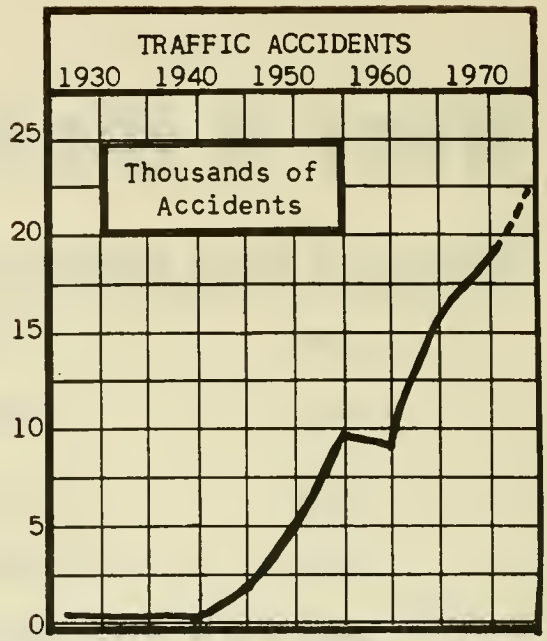
1970 (projected) 454,550



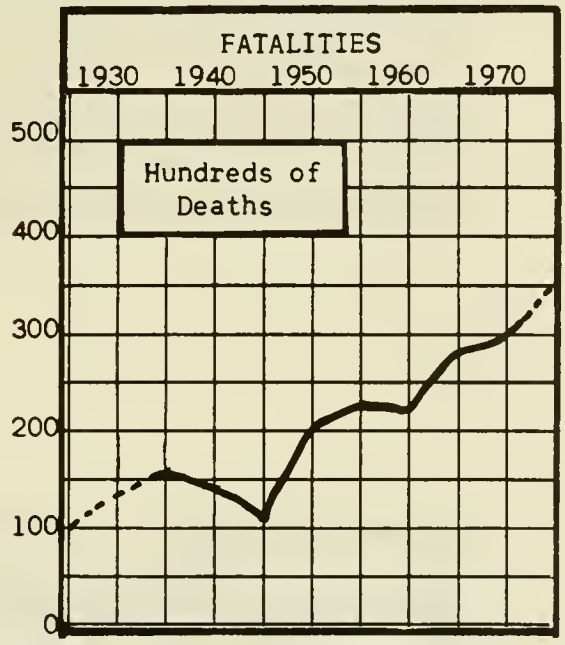
There are more traffic accidents.

1940 - - - 550	1961 - - - 9,444
1945 - - - 1,777	1962 - - - 10,315
1950 - - - 5,128	1963 - - - 10,562
1955 - - - 9,829	1964 - - - 13,564
1960 - - - 9,147	1965 - - - 16,672

1970 (projected) 19,200



There are more persons killed in traffic accidents.

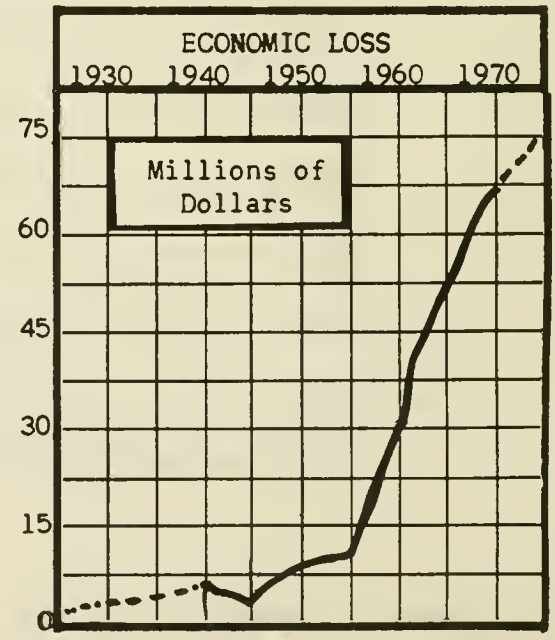


1935 - - - 161	1960 - - - 222
1940 - - - 142	1961 - - - 275
1945 - - - 112	1962 - - - 256
1950 - - - 202	1963 - - - 228
1955 - - - 236	1964 - - - 259

1965 - - - 280

The economic loss is a terrific liability to our society.

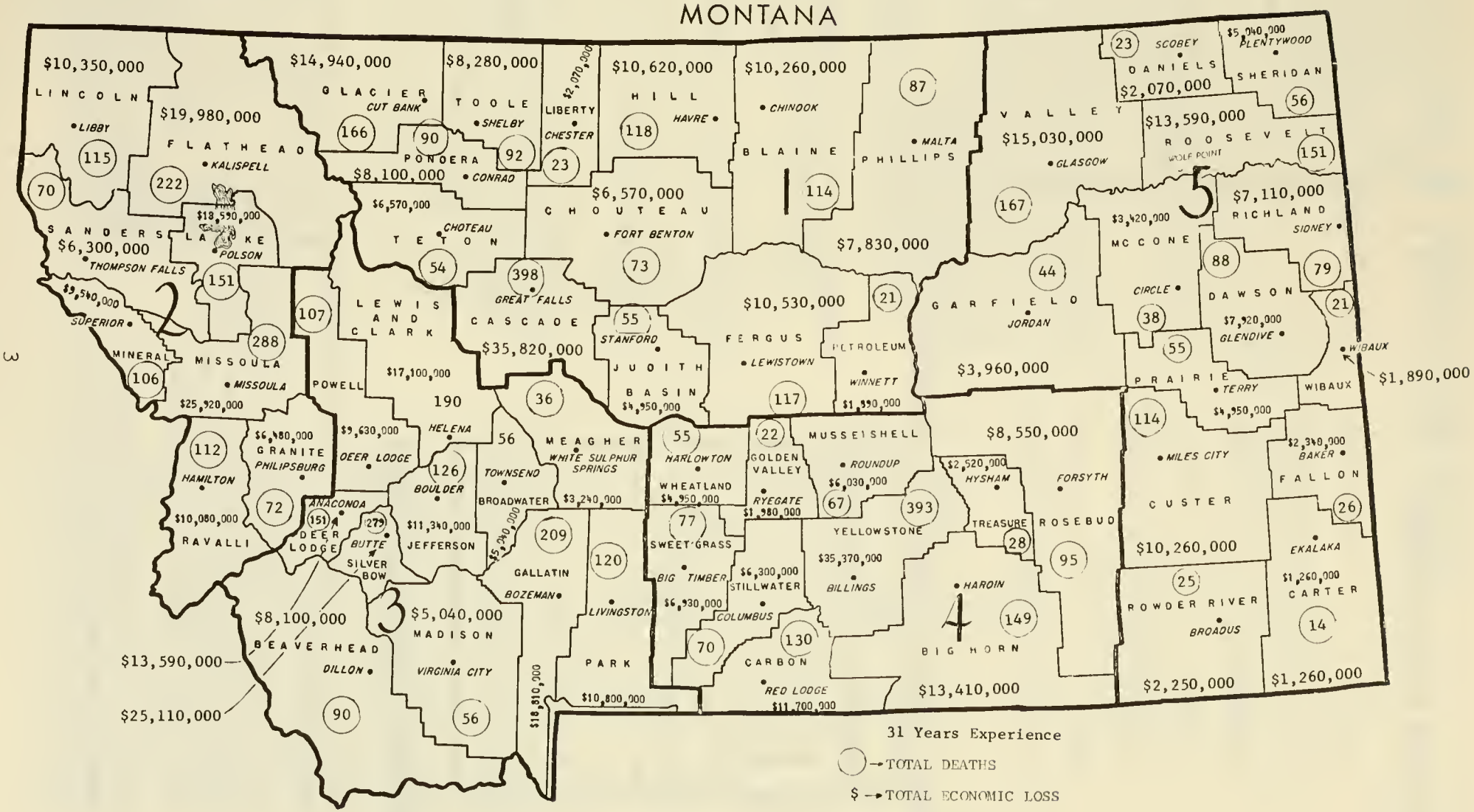
Year	Fatal Accs.	Injury Accs.	P.D. Accs.	Economic Loss
1940	142	- - -	- - -	$ 7,100,000
1945	100	- - -	- - -	5,000,000
1950	167	1,260	3,701	8,350,000
1955	196	2,028	7,605	9,800,000
1960	194	2,658	6,295	33,300,000
1961	275	2,860	6,379	45,375,000
1962	256	3,041	7,058	43,520,000
1963	190	2,849	6,515	41,040,000
1964	214	3,589	9,761	46,620,000
1965	234	4,663	11,775	50,400,000



TOTAL ECONOMIC LOSS SINCE 1935 - $535,590,000.00

TOTAL PERSONS KILLED SINCE 1935 - 5,951

MONTANA



31 Years Experience

◯ → TOTAL DEATHS

$ → TOTAL ECONOMIC LOSS

There are more people.

1930 - - - - - - - 537,606

1940 - - - - - - - 559,456

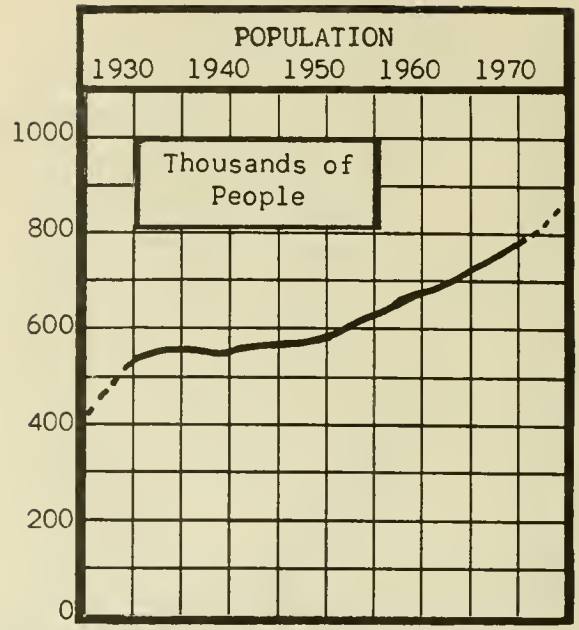
1950 - - - - - - - 591,024

1960 - - - - - - - 674,767

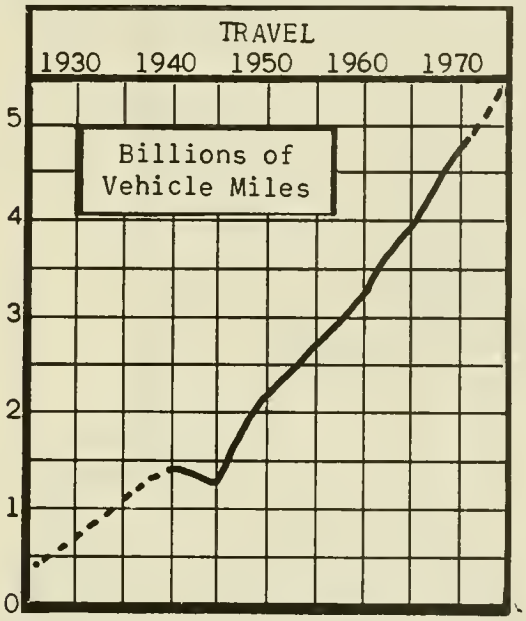
1964 - - - - - - - 705,000

1965 - - - - - - - 710,000

1970 (projected) 770,900



These cars and people are traveling more miles



1940 - - - - - - - 1,380,000,000

1950 - - - - - - - 2,200,000,000

1960 - - - - - - - 3,300,000,000

1961 - - - - - - - 3,400,000,000

1962 - - - - - - - 3,500,000,000

1963 - - - - - - - 3,638,000,000

1964 - - - - - - - 3,758,000,000

1965 - - - - - - - 3,956,000,000

1970 (projected) 4,250,000,000

Increased highway mileage

1. 220 miles of primary mileage has been added since 1942.

2. The Interstate system will add approximately 1200 miles to the primary highway system plus approximately 600 miles of frontage roads and approaches.

3. Divided 4-lane interstate under proposed construction will add an additional 1200 miles of highway.

MANPOWER

1. Total Uniformed Strength -- 143

Administrative	- 6	Traffic Patrol Supervision	- 15
Driver Licensing	- 22	Traffic Patrol	- 93
		Commercial Vehicle Enforcement	- 7

2. Presently, 93 patrolmen are assigned to traffic patrol and surveillance.

3. Only 29 traffic officers have been added to the Patrol force since 1946. (twenty years) During the same period of time motor vehicle registration has doubled, licensed drivers have increased twofold and traffic accidents have soared to 8 times its 1946 figure.

4. There are 8 counties in Montana without a resident highway patrolman.

5. There are 27 counties in Montana with only one patrolman assigned.

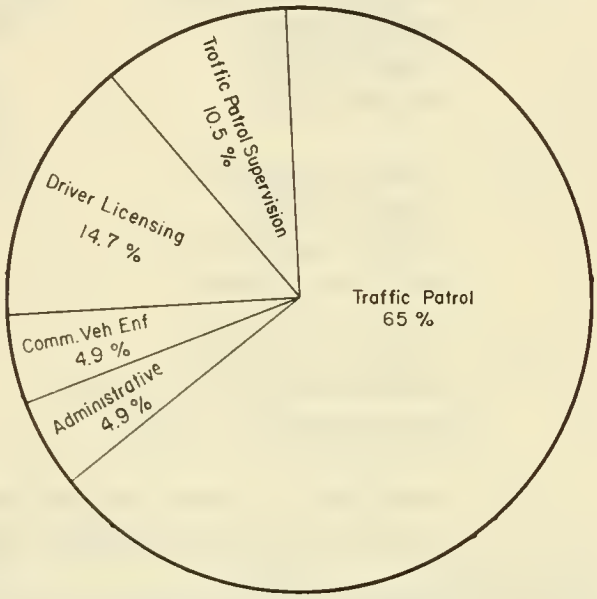
6. There are 12 counties in Montana with only 2 patrolmen assigned.

7. In those counties where only one or two patrolmen are presently assigned, traffic surveillance is limited to 48 or 96 hours respectively per week.

8. At present strength with 93 traffic patrolmen:

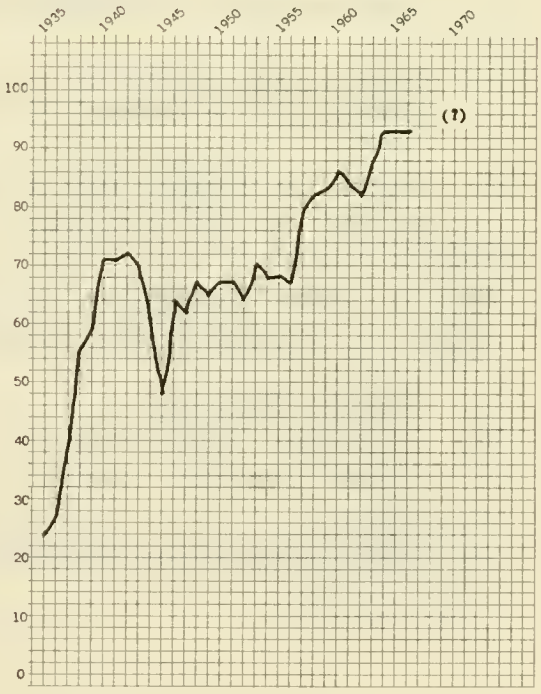
   a. 776 miles of road per patrolman 24 hours a day.
   b. for 8-hour shifts this means 2,328 miles of raod per patrolman.
   c. considering a 48-hour week, it would amount to 903 miles per patrolman.
   d. 15 days vacation and 10 holidays would increase this figure 975 miles per patrolman.

MANPOWER

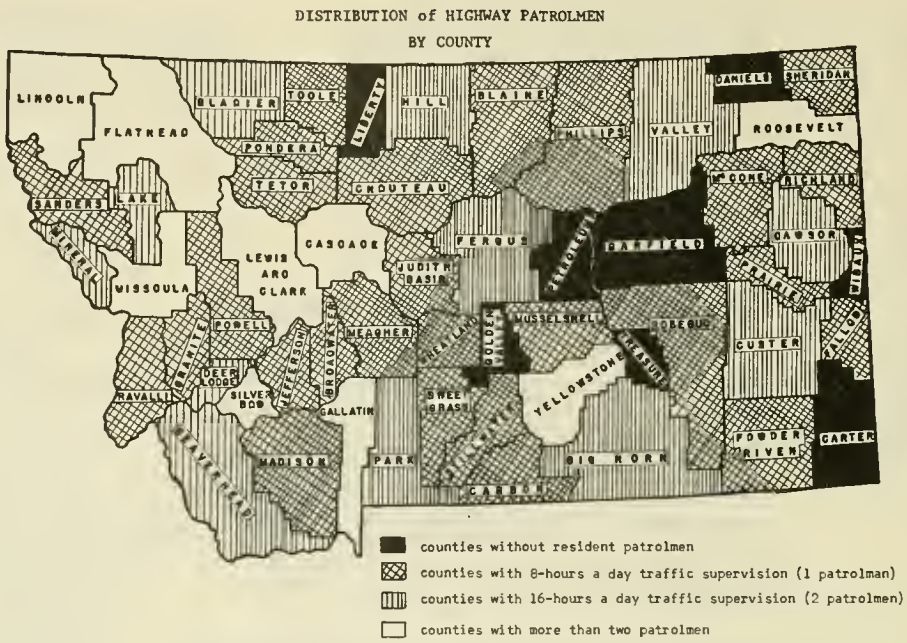


DISTRIBUTION

TRAFFIC PATROL STRENGTH (1935-1966)



e. This figure is increased to a staggering 1,363 miles of roadway per patrolman when non-traffic patrol duty hours are subtracted from traffic patrolling.



f. 4,876 Montana registered motor vehicles per patrolman.

g. 4,433 Montana drivers per patrolman.

h. Seemingly, each patrolman would be responsible for observing 147,700 vehicle miles per day.

7. Assignment of patrolmen difficult:

a. patrolmen are assigned according to population and registered vehicles.

b. high population areas have the greatest traffic problems.

c. Some rural areas do not justify the full time service of a patrolman, however, it is not possible to assign half a man.

d. There is a need for a minimum of 20 hours per day of traffic patrol in all counties.

8. Due to other delegated responsibilities, the patrolmen are unable to expend their total time on traffic patrol.

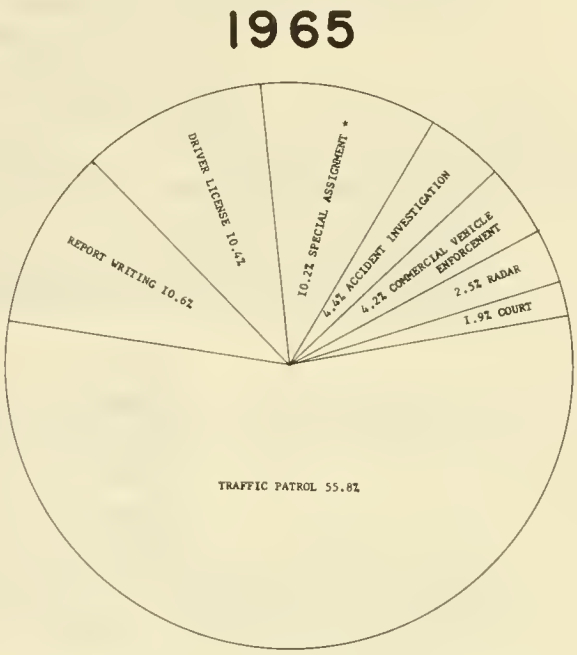
a.	Report Writing	10.6%
b.	Accident Investigation	4.4
c.	Speed Control (Radar)	2.5
d.	Court	1.9
e.	Assisting other agencies	1.0

f. Courtesy & Mercy Service 1.0
g. Investigations 2.0
h. Public Appearances 1.2
i. School Bus Inspections 2.0
j. Serving Warrants, etc. 2.0
k. Training 2.0

7. The Interstate Highway

a. Will add approximately 1,200 miles to the primary system, this does not include anticipated frontage roads and approaches.

b. Under present planning approximately 1200 miles of the Interstate will be divided highway. Experience dictates that each roadway must have separate enforcement.



* SPECIAL ASSIGNMENTS INCLUDES: SCHOOL BUS INSPECTION, STOCK TRUCKS CHECKED, SERVING PAPERS, COURTESY SERVICE ASSISTING OTHER AGENCIES, PUBLIC APPEARANCES, AND TRAINING.

TIME DISTRIBUTION

c. The general concept is that state officers should be responsible for enforcement of traffic regulations and accident investigation on Interstate highways which pass through municipalities.

WHAT IS BEING DONE ABOUT THE PROBLEM?

A. Cost wise, not enough money is being spent on traffic safety.

1. The 1965 economic loss was about $50,400,000.00.

2. Montana's motoring public spent $27,066,523.00 for insurance premiums in 1965.

3. The total state outlay for accident prevention in 1965 was $1,908,886.00.

(a) This includes:

1. Highway Patrol & Driver Licensing - $1,652,444.53
2. Driver Education - 64,441.00
3. Traffic Engineering (M.H.D.) - 192,000.00

(b) This figure is about 1/40 of the amount spent for insurance and the economic loss incurred, in other words, Montana loses $40.00 for each dollar spent for traffic safety.

B. Even though good selective enforcement is used, plus patrolmen working in excess of a 48 hour week, we are "losing ground."

1. Death rate per 100 million miles traveled:

1960 -- 5.7
1961 -- 6.78
1962 -- 5.39
1963 -- 6.3
1964 -- 6.9
1965 -- 7.1

2. The national death rate per 100 million miles travelled is 5.5

3. With a constant increase in vehicle miles, registrations and drivers, the death rate will increase.

4. It is time that the needs of the Highway Patrol be given a good, hard look, and that necessary manpower to do an exceptable job be furnished.

WHAT IS NEEDED?

A. Presently we have 93 patrolmen assigned to traffic patrol.

B. To do an acceptable job, every county in Montana should have a minimum of 20 hours per day traffic patrol surveillance -- this would require a minimum of 67 additional patrolmen.

20 new patrolmen in counties presently without patrolmen
41 new patrolmen in counties presently with only one patrolman
6 new patrolmen in counties presently with only two patrolmen

C. To properly patrol the Interstate system plus frontage roads and approaches, a minimum of 48 additional patrolmen are needed.

D. Additional patrolmen for assignment to construction projects (dams, missile sites, etc.) should be available - 4 additional patrolmen.

E. The driver examination section needs 5 additional men for relief examining and driver improvement analysis. Presently, supervisory personnel are working in relief status.

F. To provide adequate coverage in commercial vehicle enforcement 6 additional patrolmen should be assigned to this specialized duty.

G. Increased traffic patrol force necessitates the assignments of additional supervisory and administrative officers - 6 additional patrolmen.

H. Highway Patrolmen, like all other state employees, should be scheduled on the basis of a 40 hour week -- this would require an additional 34 patrolmen.

I. The National Safety Council recommends a minimum ratio of 1 traffic patrolman per 2,500 registered vehicles. This ratio shows Montana should have (in 1965) 181 traffic officers.

J. Our minimum needs are 170 additional patrolmen:

Traffic Patrol	- 153
Traffic Patrol (supervisory)	- 6
Driver Licensing	- 5
Commercial Vehicle Enforcement	- 6

K. The Highway Patrol Budget Request for the (1967-69) biennium included the addition of 111 additional patrolmen:

100 traffic officers
5 driver examiners
6 commercial vehicle enforcement officers

L. Recruitment and training will not permit additional men to be placed immediately. The 111 additional men could be trained and added over a two-year period.

M. It costs approximately $1,400.00 to train a patrolman (includes salary, food, lodging, materials, etc.)

N. A new patrolman costs approximately $12,800.00 for his first year of service (this includes salary, equipment, uniforms and operational expenses).

O. If the minimum number of additional patrolmen (134) were made available, the savings brought about by a reduction in deaths, injuries and property damage, would by far offset the cost of the additional patrolmen.

SALARIES

A. During 1965, patrolmen were on duty 282,791 hours -- an average of 2,397 hours per patrolman.

1. This is 11,863 hours in excess of a 48-hour week (101 hours per patrolman).

2. This is 60,951 hours in excess of a 40-hour week (516 hours per patrolman).

3. The department attempts to give compensatory leave for hours worked in excess of the 48-hour week, however, this has been unsuccessful because it is not possible to replace many overtime hours due to shortage of manpower.

B. During 1965, highway patrolmen were paid an average of $2.75 per hour (straight time).

1. This compares with hourly pay rates of other Montana crafts or professions during the same period who receive (time and one half or double time) for hours worked in excess of the 40-hour week.

<u>1965 Rates</u>

Carpenters	@ $3.95 per hr.	Truck Drivers	@ $3.05 per hr.
Painters	@ 3.62 per hr.	Common Laborer	@ 3.05 per hr.
Electricians	@ 4.06 per hr.	Machinists	@ 3.35 per hr.
Plumbers	@ 4.70 per hr.	Sheet Metal Worker	@ 4.25 per hr.
Hod Carriers	@ 3.05 per hr.	Meat Cutter	@ 3.05 per hr.
Cement Finisher	@ 3.95 per hr.	Brick Layer	@ 4.50 per hr.
Plasterers	@ 4.05 per hr.	Welders	@ 3.10 per hr.

C. The following chart shows a comparison of salaries in the eleven western states during 1965. The asterisk denotes states whose patrolmen work a 40-hour week.

MONTHLY SALARIES - 1965

STATE	PATROLMEN			SERGEANT			CAPTAIN			CHIEF		
	From		To	From		To	From		To	From		To
Ariz.	$540	-	800	$760	-	925	$880	-	1,070	$1,700	-	2,065
Calif.*	590	-	717	683	-	829	914	-	1,111	1,875	-	.....
Colo.	469	-	598	543	-	693	727	-	928	975	-	1,244
Idaho**	438	-	532	532	-	674	749	-	909	.....	-	.....
Nevada*	562	-	680	618	-	750	750	-	914	870	-	1,058
N. Mex.	480	-	615	630	-	660	750	-	800	1,100	-	.....
Oreg.*	510	-	655	715	-	745	880	-	950	1,150	-	1,258
Utah	458	-	775	544	-	847	647	-	1,015	877	-	1,420
Wash.*	488	-	634	577	-	701	674	-	862	1,250	-	.....
Wyo.	475	-	665	620	-	740	670	-	790	845	-	1,055
10 State Average	501	-	667	622	-	756	764	-	934	1,182	-	1,350
Mont.	440	-	644	593	-	712	656	-	781	700	-	960

* 40-hour week ** 45-hour week

D. In its annual report to the Montana Highway Patrol concerning Police Traffic Supervision the National Safety Council made the following comment: "The state should review the need for adequate salary scales to assure recruitment and retainment of qualified personnel in police service."

E. Uniformed officers of the Montana Highway Patrol were the <u>only</u> state employees restricted to a 1% per year salary increase during the 1965-67 biennium.

F. As the result of restrictive legislation and insufficient appropriation, the Highway Patrol has been unable to compete with industry and other state agencies in the employment of clerical and office personnel. Again and again applicants refused to accept employment with the Patrol because of inadequate salary offers. Starting salaries are approximately

$50.00 per month below those offered by the majority of the other state agencies.

G. The information and graph on pages 14 and 15 illustrate the ever increasing "gap" between patrol salaries and the cost of living index. Since 1940, the purchasing power of the patrolman's salary has consistently and increasingly failed to parallel the cost of living index.

H. The Patrol's budget for the 1967-69 biennium included requests for monies to pay adequate salaries which would be commensurate to other states and to other state employees with equal responsibilities.

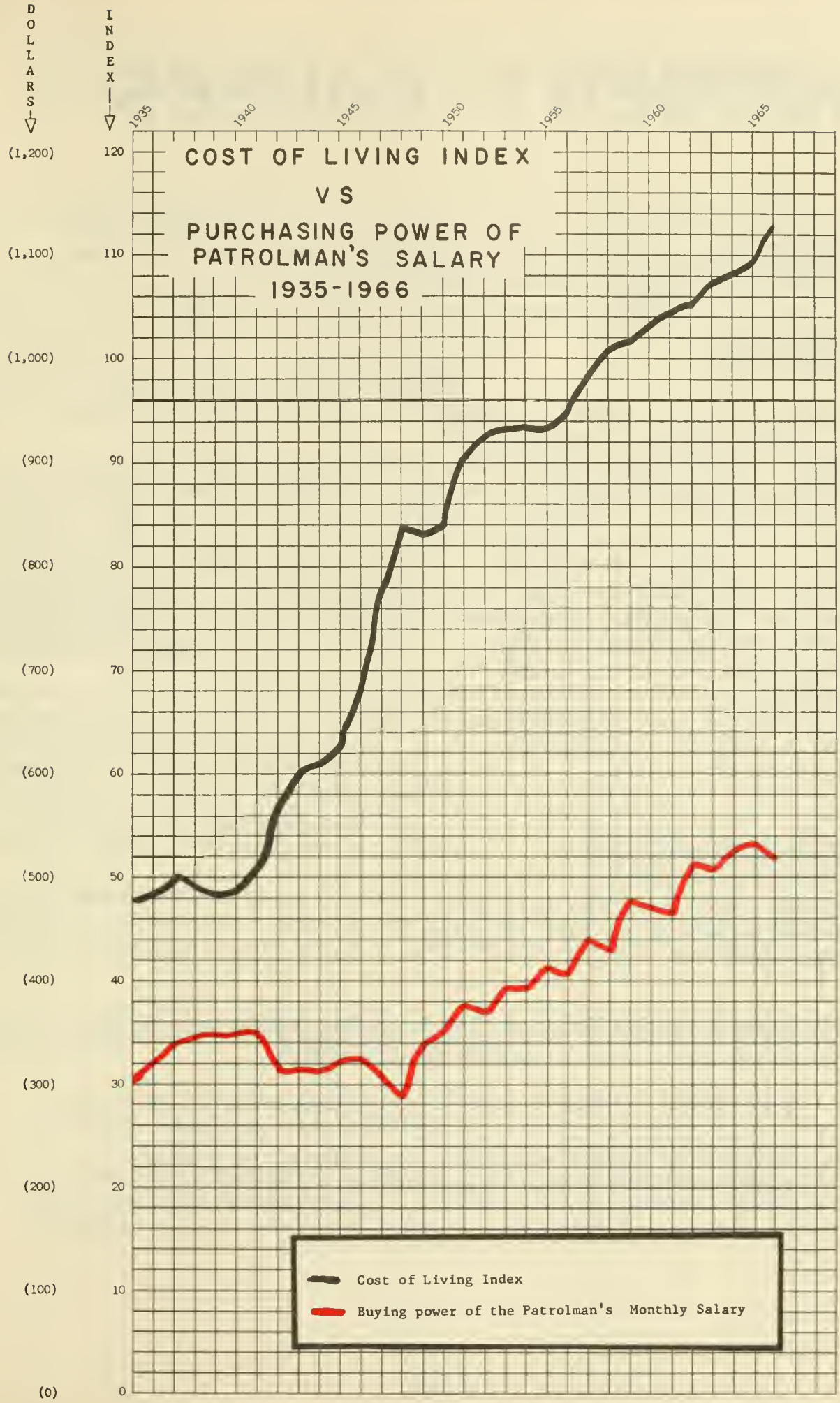
I. Legislation will be presented to give the Montana Highway Patrol Board, with the approval of the state board of examiners, authority to establish salary schedules within the limits of appropriation made available for such purposes, as is the procedure in all other state agencies.

YEAR	PATROLMAN'S MONTHLY SALARY *	COST OF LIVING INDEX **	PURCHASING POWER OF THE DOLLAR ***
1935	$135.	47.8	2.088
36	145.	48.3	2.068
37	160.	50.0	2.00
38	160.	49.1	2.036
39	160.	48.4	2.064
1940	160.	48.8	2.048
41	170.	51.3	1.948
42	170.	56.8	1.728
43	180.	60.3	1.651
44	180.	61.3	1.632
1945	190.	62.7	1.595
46	210.	68.0	1.471
47	225.	77.8	1.285
48	225.	83.8	1.194
49	265.	83.0	1.205
1950	265.	83.8	1.194
51	325.	90.5	1.106
52	325.	92.5	1.081
53	350.	93.2	1.072
54	350.	93.6	1.069
1955	367.50	93.3	1.071
56	367.50	94.7	1.056
57	412.50	98.0	1.021
58	412.50	100.7	.994
59	467.50	101.5	.985
1960	467.50	103.1	.971
61	467.50	104.2	.960
62	522.50	105.4	.949
63	522.50	106.7	.937
64	550.00	108.1	.925
1965	566.50	109.0	.910
66	566.50	112.6	.886

* Patrolmen with 10 years service

** Base years 1957-1959 - (Montana Planning Board)

*** Base years 1957-1959 - Consumers price - (University of Montana)


COST OF LIVING INDEX
VS
PURCHASING POWER OF
PATROLMAN'S SALARY
1935-1966
DOLLARS
INDEX
1935
1940
1945
1950
1955
1960
1965
(1,200)
(1,100)
(1,000)
(900)
(800)
(700)
(600)
(500)
(400)
(300)
(200)
(100)
(0)
120
110
100
90
80
70
60
50
40
30
20
10
0
Cost of Living Index
Buying power of the Patrolman's Monthly Salary

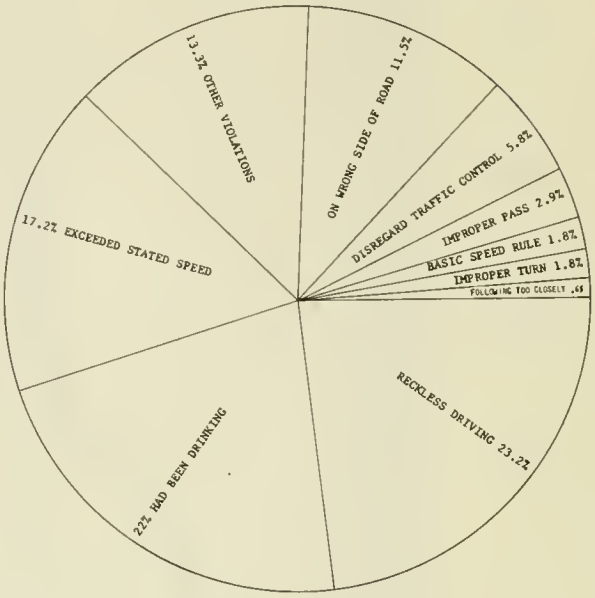
ACCIDENT CAUSES

Statistical analysis of fatal traffic accident data reveals the contributing causes of all fatal accidents during the last five years (1961-65). The graph at the right illustrates the causes by percent of the total five year experience.

Reckless Driving

The leading cause is known to have been a factor in 23.2% of the fatal accidents. "Reckless Driving" is defined as "any person who drives any vehicle in wilful or wanton disregard for the safety of persons or property, is guilty of reckless driving." It should be noted that in many instances where the element of "under the influence of intoxicating liquor" is suspicioned but not chargeable because of insufficient evidence, that elements are generally sufficient to charge and prove reckless driving.

CAUSES CONTRIBUTING TO FATAL ACCIDENTS



5 YEARS EXPERIENCE 1961 - 1965

Combating Reckless Driving

Experience would indicate that the reasonable defenses against reckless driving would be:

1. Additional patrolmen to deter drivers from such erratic driving.

2. Increasing minimum penalty for reckless driving.

3. Stepped-up driver education to improve the overall responsibility and attitude of our motoring public.

DRINKING AND DRIVING

Had Been Drinking

During the past five years (1961-65), 22% of all drivers involved in fatal accidents had been drinking. It is interesting to note that in this same period 46.4% of all drivers killed had been drinking. If alcohol tests had been given to all drivers involved in fatal accidents, it would appear that 45-50% of all drivers involved in fatal accidents had been drinking.

In 1954 the Montana Highway Patrol initiated a chemical testing program whereby drivers of vehicles who were arrested and charged with "driving while under the influence of intoxicating liquor" could voluntarily submit to a chemical test to determine blood alcohol consentration.

During the first year of the program approximately 1,200 drivers volunteered specimens for analysis. Chemical testing on the voluntary basis has proved to be unsuccessful in that only 132 specimens were submitted for analysis during 1965.

The illustration on page 23 reveals an informative comparision of the drinking driver and his involvement in traffic accidents.

FATALITIES AND DRINKING

1961, 1962, 1963
1964 and 1965

5 Years Experience

Montana

	DRIVERS		PASSENGERS		PEDESTRIANS		BICYCLISTS		TOTAL	
Month	Killed	HBD	Killed	HBD	Killed	HBD	Killed	HBD	Killed	HBD
Jan.	46	16	15	2	7	0	0	0	68	18
Feb.	43	19	25	4	5	1	0	0	73	24
Mar.	56	24	40	4	9	1	1	0	106	29
Apr.	48	22	31	8	12	3	1	0	92	33
May	55	34	39	10	10	2	4	0	108	46
June	60	28	52	8	9	1	0	0	121	37
July	72	33	52	6	12	3	3	0	139	42
Aug.	71	28	50	9	12	1	2	0	135	38
Sept.	66	31	45	7	12	3	1	0	124	41
Oct.	77	37	60	7	8	4	0	0	145	48
Nov.	49	26	25	3	6	1	1	0	81	30
Dec.	62	30	34	3	9	3	1	0	106	36
Total	705	328	468	71	111	23	14	0	1,298	422

HBD - Had Been Drinking

46% of All Drivers Killed Had Been Drinking
15% of All Passengers Killed Had Been Drinking
21% of All Pedestrians Killed Had Been Drinking
29% of Adult Pedestrians Killed Had Been Drinking
(33 Pedestrians Killed Under Age of 14)
32% of All Persons Killed Had Been Drinking

WHAT WILL HELP ELIMINATE THE DRINKING OR INTOXICATED DRIVER FROM MONTANA'S HIGHWAYS?

A. Additional manpower assigned to high accident frequency areas to deter drinking and driving.

B. Amendment of Montana's chemical test standards to comply with the "Uniform Vehicle Code" (.15 to .10 as presumption of intoxication).

C. Enactment of that portion of the Uniform Vehicle Code commonly referred to as the "Implied Consent Law."

Unquestionably, the drinking (or intoxicated) driver is one of Montana's greatest traffic problems. The "Implied Consent Law" has been introduced and killed at two previous legislative sessions. The main objection appeared to be the constitutionality of the law.

As of September 1966, nineteen states had enacted "Implied Consent Laws." These include: New York, Idaho, Kansas, Utah, Nebraska, North Dakota, South Dakota, Vermont, Minnesota, Virginia, Connecticut, North Carolina, Iowa, Missouri, New Hampshire, Oregon, California, Rhode Island and New Jersey.

Searches of Deceased Persons

At least one Federal court has considered the question of search of the body of a deceased person and held that it does not violate Federal constitutional law. In the case decided, a sample of blood was taken during an autopsy performed on the body of a man killed in an automobile accident. The blood was found to contain alcohol and this evidence was introduced in a civil suit. The court upheld the admissibility of the evidence, stating that under both State and Federal constitutional provisions, the right to be free from unreasonable search is a personal right and it does not survive the death of the person so searched. Relatives of the deceased were held to have no legal basis for objecting to the search and use in evidence of the material seized. *Ravellette* v. *Smith*, 300 F. 2d 854 (1962).

The courts of several states have held that the "Implied Consent Law" is valid and constitutional. They are the Supreme Courts of Idaho, Iowa, Kansas, Nebraska, Vermont and Virginia.

In their decisions, these courts have recognized that the implied consent type of law is not to be construed as a "compulsory law." There is no compulsion upon the motorist to submit to a chemical test. He may submit to a test if he chooses, or he may refuse, in which case the law prescribes that no test shall be given.

It is also to be noted in these decisions that these courts adhere to the general rule in this country that the constitutional privilege against self-incrimination does not apply to obtaining physical evidence from a motorist, such as blood, breath or urine for the purpose of chemical analysis. They limit the scope of the privilege of testimonial compulsion, protecting a person from being compelled to say things against himself through his own lips or by his writings.

The United States Supreme Court on June 20, 1966, again approved chemical tests to determine alcoholic influence in Schmerber vs.

California (U.S., S Ct. (#658 June 20, 1966). The case involved administering a blood test to an arrested motorist over his protests and objections after he had been advised by his lawyer not to submit to a chemical test.

Court Rules Blood Test Can Be Taken Over Objection of Driver

WASHINGTON —The Supreme Court ruled today that police taking of a blood sample from an objecting motorist who is suspected of being intoxicated does not violate the federal constitution.

Justice William J. Brennan delivered the 5-4 ruling. Chief Justice Earl Warren and Justice Hugo L. Black, William O. Douglas and Abe Fortas dissented.

Brennan in upholding the tests said they are reasonable, and commented that blood samples for testing are "a highly effective means of determining the degree to which a person is under the influence of alcohol."

The ruling applied specifically to Armando Schmerber, who was allegedly driving when his car struck a tree in Los Angeles.

In a hospital a policeman asked him to agree to a blood sample. Schmerber's appeal said he agreed at first but later objected on advice of his lawyer.

Blood was extracted by a doctor and it resulted in a reading of .18 blood alcohol. Objections to use of blood test evidence was overruled and an expert testified all persons would be under the influence of alcohol with such a reading.

Schmerber was sentenced to 30 days in jail and fined $250. California state courts upheld the sentence and he appealed to the Supreme Court.

There he asked if the taking of the blood sample violated the privilege against self-incrimination, if it constituted an unlawful search and seizure, and if it was a violation of due process of law.

Speeding

Exceeding posted speed limits (55 mile per hour night speed, mostly) and violation of the basic rule which requires drivers to drive at a reasonable and prudent rate of speed, parallels intoxicated and reckless driving as a major contributor in fatal accidents. In 1965 "speed too fast for conditions", "drinking and driving" or a combination of the two were contributing factors in (143) or 61% of Montana's fatal accidents. During the first six months of 1966, this percentage increased to an alarming 67%.

Extremely high speeds, however, is not a predominant factor in the accident picture, however, we realize that accident severity increases with the rate of speed.

Accident figures for 1965 reveal that:

A. Only 8.4% of the vehicles involved in accidents were exceeding 60 miles per hour.

B. 18% of the drivers involved in accidents were exceeding 50 miles per hour.

C. 69.8% of all drivers involved in accidents were traveling between 10-50 miles per hour.

D. 25.7% of drivers involved were traveling between 20-30 miles per hour.

E. 44.4% of all drivers involved in accidents were exceeding speeds too fast for conditions.

The controversial question of a statewide daylight speed limit is not substantiated by contributing causes of traffic accidents, however, it is to be noted that between June 26, 1956 and March 17, 1959, there was a considerable reduction in traffic accidents when the highway commission established a statewide limit of 65 miles per hour for daylight driving.

Montana's present night speed of 55 miles per hour and the truck speed of 50 miles per hour is archaic and unrealistic for travel on the interstate highway system.

On controlled access highways where the exposure of one vehicle to another has been lessened considerably, the nighttime speed limit should be raised to a more realistic speed of 60-65 miles per hour. This suggested increase of the night limit is also substantiated by modern and improved dual headlight equipment.

The 50 mile per hour truck speed on interstate highways, especially on two-laned roadways, in a sense creates a hazard because of the amount of traffic which must (or does) pass the slow moving vehicles. This hazard could be eliminated to some extent by increasing the truck speed on the interstate highway system to 55 or 60 miles per hour.

Combating "Speed"

It would appear that Montana's greatest problem relating to speed is the offense of "driving too fast under existing conditions."

This unsafe act may be reduced considerably by:

A. Expanded driver improvement programs to enlighten motorists of reasonable and prudent speeds under varying conditions.

B. Increased policing to create, within the driver, responsibility for adhering to speeding regulations.

C. Statutory designated penalties for "repeater" or habitual speed violators especially for second and subsequent offenses.

Driving Over Centerline

The other major contributing factor to fatal accidents is the driver who fails to stay on his side of the roadway. Many of the fatal accidents involving the centerline violation occur on crests of hills, on curves and other areas where visibility is limited, however, a good portion of such accidents occur on straight, level roadways where visibility is not restricted.

Remedy for "Driving Over Centerline"

It would appear from accident statistical information that the centerline violation or "driving on the wrong side of the roadway" is a negligent, careless or inattentive act on the part of most drivers involved.

Montana traffic law should contain a negligent or careless driving statute to be used when inattentive driving has resulted in an accident or other unsafe actions.

Driving too fast — a leading factor in fatal accidents

Nearly one-third of the fatal accidents in 1965 involved vehicles which were being driven too fast for conditions, according to figures from twenty-two states which reported this information. In rural areas, driving too fast was a factor in almost one-third of the fatal accidents, while in urban areas, it was a factor in over one-fourth of such accidents.

Of 40,000 fatal accidents which occurred in 1965, the above percentages indicate that driving too fast for conditions was a factor in 13,000 of these—4,000 in urban areas and 9,000 in rural areas.

Driving too fast is a factor in injury and property damage accidents, too. It is the principal factor in such accidents which occur in rural areas, and it ranks high as a factor in those accidents which occur in urban areas.

Speed of vehicles at the time of accident

The speed of vehicles prior to or at the time of accidents is no longer included on standard accident report forms. The table below summarizes the last data that was reported, and is still useful for indicating approximate percentages of accidents at various speeds.

Approximate Speed at Time of Accident

Speed (mph.)	Fatal Accidents						All Accidents					
	Statewide		Urban		Rural		Statewide		Urban		Rural	
	%	Cum. %	%	Cum. %	%	Cum. %	%	Cum. %	%	Cum. %	%	Cum. %
Standing ..	2		3		2		13		15		8	
1-10	6	8	10	13	5	7	18	31	23	38	13	21
11-20	8	16	14	27	5	12	22	53	27	65	12	33
21-30	13	29	27	54	7	19	19	72	23	88	13	46
31-40	16	45	19	73	15	34	12	84	9	97	16	62
41-50	20	65	12	85	22	56	8	92	2	99	17	79
51-60	17	82	7	92	21	77	5	97	1	100	12	91
61-70	8	90	4	96	10	87	2	99	*	100	4	95
71 & over	10	100	4	100	13	100	1	100	*	100	5	100

Source: Based on reports from state traffic authorities.

*Less than half of 1 per cent.

Seat belt usage and lives saved

Seat belts are now available to more than half of all passenger car occupants, according to a study of injury accidents made by Cornell Aeronautical Laboratory. However, there is only 30 per cent usage of these belts, on the average, and thus the net usage figure—the per cent of all passenger car occupants using belts—is only about 16 per cent. This is up from 9 per cent in 1964, and 5 per cent in 1962, according to the study.

Since full use of seat belts would save at least 5,000 lives a year, the current usage figure indicates that belts saved between 800 and 1,000 lives in 1965.

A National Safety Council study of fatal accidents which occurred over the 4th of July and Labor Day weekends in 1965 indicated that users of seat belts had a fatality rate nearly three-fourths lower than that of nonusers.

Alcohol — a leading factor in fatal accidents

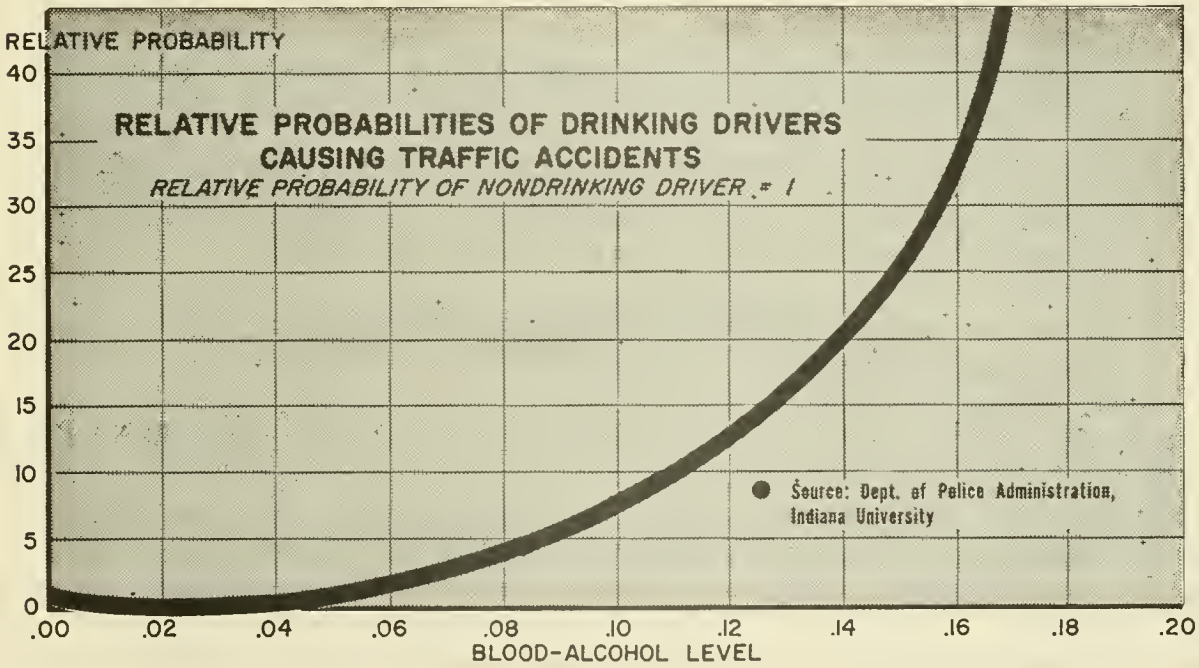
Drinking may be a factor in as many as half of the fatal motor-vehicle accidents, according to special studies which have been designed and conducted to determine the blood-alcohol level of drivers and pedestrians who are involved in accidents. Drinking is a factor in about 13 to 15 per cent of the nonfatal accidents.

Routine accident reports indicate a lower incidence of drinking among drivers in accidents, but it is believed that in such reports, the importance of drinking is partially obscured by differences in the interpretation of drinking and its contribution as an accident cause, and by differences in the completeness and thoroughness of accident investigation and reporting.

Drunk drivers 25 times more likely to cause accidents

When a driver's blood-alcohol level reaches .15, the level at which most state laws declare a driver to be legally under the influence (in some states the level is .10) the probability of the driver causing a traffic accident is 25 times greater than if he were sober. This was one of the findings of a survey made by the Department of Police Administration of Indiana University.

Blood-alcohol levels over .04 are definitely associated with increased accident involvement, according to the study. When the alcohol level reaches .06, the probability of causing an accident is twice that of the no-alcohol level; at .10 the probability is six time greater, and at .15, it is 25 times greater. The chart shows these changes, and extends the probabilities to higher alcohol levels.



State study of drinking and accidents

An analysis of 1,134 fatally injured drivers in California showed that 65 per cent of those responsible for accidents had been drinking. In one-car accidents, 69 per cent of the drivers responsible had been drinking. Of 353 fatally injured pedestrians, 45 per cent had been drinking, but among those under 65 years of age, 59 per cent had been drinking.

UNLICENSED DRIVERS

It is quite possible that Montana has 75,000-90,000 resident drivers who do not possess a Montana driver's license. These figures are derived from a national standard which reveals that the ratio of drivers is 1.1 in proportion to the number of registered motor vehicles.

Unlicensed drivers using Montana's highways may be categorized as follows:

A. The nonconformist who won't or doesn't make any effort to obtain a license and gambles on the chance of being apprehended.

B. The applicant who attempts and fails some portion of the driver test and neglects to return to complete the test.

C. The minor who has not attained minimum age to qualify for a license and who generally operates a motor-scooter, motor-bike or motorcycle; such illegal operation is most often known by the parents of such unlicensed drivers.

D. The person who will not attempt the driver license test because of some real or suspicioned mental or physical condition which might cause disqualification.

E. A person whose driver's license and/or privilege to drive has been revoked or suspended.

The highway patrol exerts every effort to deter unlicensed drivers by inspecting the driver license during each contact with a driver and by periodic roadblocks solely for the purpose of checking driver licenses. The over usage of roadblocks results in unpopular relations for the department when the same drivers continue to be checked. The Patrol refrains from concentrated driver license road-checks in a specific area when it is determined that the same drivers are being rechecked.

THE NUMBER OF UNLICENSED DRIVERS COULD BE REDUCED CONSIDERABLY BY:

A. Establishing a minimum fine of $20.00 for drivers convicted without a driver's license for first offense.

(Under present laws, and since 1943, there is no minimum penalty for a "no driver's license" violation, consequently, the courts most generally assess a penalty of $10.00, regardless of whether its first, second or subsequent offense).

B. Establish statutory penalties for second and subsequent convictions of "driving without a driver's license."

C. Cause courts to impose the mandatory minimum two-day jail sentence for drivers convicted of "driving while license is suspended or revoked" as is required under present statutes (31-155, R. C. M., 1947.)

"Section 31-155, Driving While License Suspended or Revoked. (a) Any person who drives a motor vehicle on any public highway of this state at a time when his privilege so to do is suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than two (2) days nor more than six (6) months and there may be imposed in addition thereto a fine of not more than five hundred dollars ($500.00).

"(b) The board upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the license of such person was suspended or revoked shall extend the period of such suspension or revocation for an additional like period."

Highway Patrol Citations
January through December 1965

327 - arrests made for "Driving While License Suspended or Revoked"

11 - cases were dismissed

11 - cases pending (not able to get cases prosecuted)

49 - cases Judge gave defendant credit for from one-half (½) to two (2) days in jail before arraignment plus fine as penalty

Example: Driver put in jail 11:30 p.m., is arraigned 10:00 a.m. next morning, pleading guilty to charge. Judge fines defendant $25.00 and five (5) days in jail, giving defendant credit for two (2) days served before arraignment, suspending the remaining three (3) days.

20 - cases, fine plus sentence of from two (2) to ninety (90) days in jail, with all of jail sentence suspended

198 - cases, Judge assessed fine only (no days in jail before or after arraignment

38 - cases the statute was followed, fine and/or sentence was imposed and jail sentence served.

REVENUE

Since its creation (in 1935) the Montana Highway Patrol has come close to being a self-sustaining organization. From 1935 through 1941 the Patrol's operation was financed from a revolving fund, created from the collection of driver license fees and from monies derived from fines and forfeitures. In 1942 financing for the Highway Patrol was transferred from the revolving fund to the State's general fund, and all monies derived from the sale of driver licenses and traffic fines and forfeitures were directed for deposit in the State's general fund.

Presently, all monies collected from the sale of driver licenses, with the exception of 15% which is deposited in the highway patrolmen's retirement fund and 5% which is credited to the driver education account, are deposited in the State's general fund. Monies derived from the highway patrol traffic fines and forfeitures less court costs and fees are deposited in the State's general fund, of which two dollars ($2.00) of each twenty-dollar ($20.00) fine or forfeiture or fraction thereof, is credited to the driver education fund.

If the Highway Patrol is credited with monies collected for driver licenses, traffic fines and forfeitures, gross vehicle weight fees and driver abstracts, the actual cost to the State (or taxpayers) for the Patrol's operation during its 31-year history is $1,391,130 (or $44,875 per year). Compare this cost to the $17,406,129 average annual economic loss to the Montana society since 1935, or to the 27 million dollars spent in Montana in 1965 for car insurance alone.

INCOME (1935 - 1966)

Period (Yrs.)	Driver License Fees	Fines & Forfeitures	Court Fees Withheld	Misc.* Income
4/35-6/45	$ 1,652,549	$ 479,371	$ 67,112	$ 70
7/45-6/55	4,132,351	1,737,937	243,311	12,129
7/55-6/65	5,952,970	4,377,232	612,812	256,532
7/65-6/66	769,129	605,722	109,195	77,471
Total	$12,506,999	$7,200,262	$1,032,430	$ 346,202
Grand Total				$21,085,893

* Includes GVW fees, special fuel permits and driver abstracts

INCOME vs. EXPENDITURE

Period (Yrs.)	Total Income	Total Expenditures	Income vs. Expenditure
April 1935 - June 1945	$ 2,199,102	$ 2,190,689	$ 8,413
July 1945 - June 1955	6,125,728	5,460,445	665,283
July 1955 - June 1965	11,199,546	12,997,746	(1,798,200)*
June 1965 - July 1966	1,561,517	1,828,143	(266,626)
Total (31 years)	$21,085,893	$22,477,023	(1,391,130)*
Average yearly cost			(44,875)*

* ( ) Deficit

The figures above do not include thousands of dollars of income derived from the enforcement of vehicle registration, gross vehicle weight tax, special fuels, importers gas tax, which is credited to agencies other than the Highway Patrol.

SUGGESTED SOURCES OF ADDITIONAL REVENUE

The Highway Patrol's budget request for the 1967-69 biennium reflects an energetic and accelerated program directed toward the reduction of traffic accidents, injuries and deaths on Montana's highways. The budget also reflects, to some degree, anticipated standards which must be accomplished as the result of the President's Highway Safety Act of 1966. To accomplish the objectives of this accelerated program, additional funds have been requested for increased manpower, equipment and operational costs for the Patrol.

It seems only reasonable that increased costs of traffic law enforcement and its related activities be assessed against those persons who create the problem -- in other words, the vehicle owner and/or operator.

Realizing the financial burden placed upon the State's general fund, the following suggestions, if enacted, would considerably increase highway patrol and other contributions to the State's general fund.

1. Increase the driver license fee from $4.00 to $6.00 per biennium. Estimated annual income -- $400,000.

2. Increase the minimum penalty for traffic law offenses.

   (In some instances there are no minimum penalties prescribed by law for traffic offenses. Other penalty sections were enacted in the 1930's and 1940's, and certainly are not realistic compared to prevailing income and dollar purchasing power. Estimated annual income -- $150,000.)

3. Establish a driver examination fee for drivers who are required to be tested because of multiple violations or accident involvement. ($4.00 per exam)

   (Original driver applicants or renewal applicants would be exempt from such fee. Estimated annual income -- $8,800.)

4. Establish a reinstatement fee for drivers whose licenses have been revoked or suspended.

   (Considering the amount of manhours spent processing and investigating these drivers, a fee of $15 to $20 would be justified. Estimated annual income -- $52,500.)

5. Increase registration fees on all vehicles subject to registration.

   (Registration fees assessed today are those enacted in 1931. It would seem reasonable considering (1) the value of today's motor vehicles compared to those of the early 1930's, (2) today's standard of living compared to the early 1930's and (3) conveniences now available to the motorist, which didn't exist when registration fee rates were enacted, that the motor vehicle registration fee could reasonably and logically be increased 100%, or double present fees. Estimated annual income -- $3,700,000.)

6. With 100 additional traffic patrolmen, driver license fees credited to the general fund would increase by approximately $20,000 annually.

7. Approximately $6,500 of fine and forfeiture monies would be added to the State's general fund for each new traffic officer added to the Patrol.

MONIES RETAINED BY COUNTIES FROM
MONTANA HIGHWAY PATROL FINES AND FORFEITURES
AS JUSTICE COURT FEES AND COSTS

COUNTIES	ANNUAL TOTALS					5 YEAR TOTAL
	1981-82	1982-83	1983-84	1984-85	1985-88	1981 thur 1985
BEAVERHEAD	$ 825.00	$1,130.00	$1,558.50	$1,202.50	$ 885.50	$ 5,599.50
BIG HORN	1,590.00	1,478.00	2,188.00	1,856.90	1,808.00	8,896.90
BLAINE	1,020.00	1,532.50	2,078.50	1,145.50	994.00	8,770.50
BROADWATER	880.00	803.50	1,178.50	1,347.50	1,217.00	5,408.50
CARBON	883.00	524.50	1,026.00	1,400.50	1,233.00	4,887.00
CARTER	85.00	120.00	254.00	251.00	241.50	931.50
CASCADE	7,831.18	7,528.00	11,087.36	10,759.50	10,280.00	47,484.04
CHOUTEAU	758.50	638.50	1,145.50	1,238.25	1,128.40	4,809.15
CUSTER	1,827.50	1,925.00	2,788.00	3,146.50	2,776.00	12,243.00
DANIELS	115.00	217.50	522.50	482.50	457.50	1,795.00
DAWSON	1,598.50	2,011.00	2,947.00	2,428.00	3,158.50	12,141.00
DEER LODGE	1,225.00	1,774.90	2,811.50	3,106.00	2,088.50	10,985.90
FALLON	487.50	840.00	1,183.50	891.00	798.00	4,200.00
FERGUS	2,014.20	1,583.00	2,255.00	2,128.30	2,071.50	10,030.00
FLATHEAD	2,755.00	3,922.50	7,599.50	7,071.50	7,532.00	28,880.50
GALLATIN	2,883.43	3,389.55	8,683.46	5,505.64	4,898.50	23,140.58
GARFIELD	82.50	87.50	80.50	143.50	234.50	588.50
GLACIER	1,127.20	1,653.20	1,596.30	1,803.00	1,722.50	7,902.20
GOLDEN VALLEY	303.00	352.50	478.00	308.00	404.00	1,845.50
GRANITE	702.50	832.50	1,038.50	847.00	1,180.50	4,599.00
HILL	1,238.50	1,745.00	2,488.25	2,282.00	2,275.00	10,024.75
JEFFERSON	1,093.50	998.50	1,809.88	2,302.70	2,789.00	8,993.58
JUDITR BASIN	2,172.00	1,287.50	833.50	1,828.75	2,130.00	8,032.75
LAKE	1,694.70	1,412.00	2,461.50	3,050.00	3,839.00	12,457.20
LEWIS & CLARK	1,598.50	1,829.10	2,157.75	2,842.00	3,079.00	11,308.35
LIBERTY	342.50	152.50	162.50	87.50	112.00	857.00
LINCOLN	950.50	899.00	1,557.55	2,298.84	1,848.30	7,354.99
MADISON	700.00	980.00	1,450.83	1,091.35	1,001.00	5,223.18
MC CONE	287.50	792.50	587.00	897.00	1,101.50	3,645.50
MEAGHER	253.00	434.50	465.50	382.00	380.50	1,905.50
MINERAL	1,029.50	870.00	2,495.50	2,691.50	1,608.00	8,894.50
MISSOULA	4,347.20	4,568.00	8,458.50	7,742.00	5,901.50	29,015.20
MUSSELSHELL	387.50	422.50	891.00	1,153.00	787.50	3,821.50
PARK	1,143.50	1,792.50	1,950.00	2,146.50	1,747.00	8,779.50
PETROLEUM	5.00	25.00	21.00	49.00	28.00	128.00
PHILLIPS	429.50	512.50	1,284.00	887.50	752.00	3,825.50
PONDERA	825.00	852.50	1,282.50	1,493.50	2,218.00	6,252.50
POWDER RIVER	307.50	875.00	556.50	410.00	857.50	2,808.50
POWELL	817.50	822.50	1,895.50	2,045.50	1,818.50	7,189.50
PRAIRIE	347.50	282.50	892.00	626.50	830.50	2,779.00
RAVALLI	500.00	572.50	928.00	1,460.00	738.00	4,198.50
RICHLAND	1,328.50	1,320.00	1,513.00	2,147.80	2,281.00	8,570.30
ROOSEVELT	2,283.50	2,242.50	3,222.50	3,688.00	4,853.50	18,300.00
ROSEBUD	438.50	1,032.50	1,380.00	1,220.40	1,358.50	5,409.90
SANDERS	484.50	480.50	875.00	707.00	707.00	3,014.00
SHERIDAN	470.00	437.50	991.50	1,812.00	1,580.50	5,291.50
SILVER BOW	1,772.50	1,585.00	2,873.50	2,421.00	2,533.50	11,285.50
STILLWATER	535.00	472.50	884.50	867.00	788.00	3,607.00
SWEET GRASS	833.00	705.00	830.00	857.50	754.00	3,879.50
TETON	802.50	895.00	918.91	950.00	914.60	4,280.91
TOOLE	1,308.50	919.00	1,888.50	1,448.50	1,581.00	8,923.50
TREASURE	102.50	152.50	455.70	343.00	418.50	1,470.20
VALLEY	2,581.00	2,381.00	3,538.50	4,688.50	4,358.50	17,547.50
WHEATLAND	860.28	524.20	930.20	868.00	581.88	3,362.38
WIBAUX	147.50	227.50	401.50	542.50	583.50	1,882.50
YELLOWSTONE	4,206.36	3,481.30	6,558.93	6,712.38	5,471.88	26,431.83
TOTAL	86,278.55	70,442.25	108,944.12	113,498.11	109,184.74	489,353.77

PRESIDENT'S "TRAFFIC SAFETY ACT OF 1966"

The President of the United States has signed the Highway Safety Act of 1966 and the National Traffic and Motor Vehicle Safety Act of 1966 into Federal Law.

HIGHWAY SAFETY ACT

Basic Provisions for the Highway Safety Program

Each state shall have a highway safety program approved by the Secretary of Commerce designed to reduce traffic accidents and death and injuries and property damage...in accordance with uniform standards expressed in terms of performance criteria promulgated by the Secretary to include but not be limited to:

Driver education, driver testing, driver examinations (both physical and mental), and driver licensing and to improve pedestrian performance.

Effective record system of accidents.

Accident investigations to determine probable causes.

Vehicle registration, operation, and inspection.

Highway design and maintenance.

Traffic control.

Vehicle codes and laws.

Surveillance of traffic.

Emergency services.

This section also provides that the Secretary shall not approve any highway safety program that does not

(1) Provide that the Governor of the State shall be responsible for administration of the program;

(2) Authorize political subdivision of such state to carry out local highway safety program within their jurisdiction as a part of the state highway safety program if such programs are approved by the Governor and are in accordance with federal standards;

(3) Provide that at least 40 per cent of all federal funds appropriated shall be expended by political subdivisions of the state. This is a change from 25 per cent in the original bills.

(4) Provide that the aggregate expenditure of funds of the State and political subdivision, exclusive of federal funds, will be maintained at a level which does not fall below the average level of such expenditures in its last two full fiscal years preceding the date of enactment of this section. (This means that "matching funds" as such, are not required, but it is obvious that additional state and local funds will be needed in many cases to meet federal standards.)

(5) Provide for comprehensive driver training programs, including school programs, regulation of other driver training schools including certification and licensing of instructors, adult driver training and retraining, and adequate research.

Funds Authorized

The bill authorizes appropriation of $67,000,000 for the fiscal year ending June 30, 1967; and $100,000,000 for each fiscal year, 1968 and 1969. This represents a decrease of $143 million from the Senate bill and increase of $52 million from the House bill.

The penalty clause remains in the bill, providing that after December 31, 1968, the Secretary shall not apportion any of the above funds to a state not implementing a highway safety program and providing further a reduction of 10 per cent of federal aid highway funds apportioned on or after January 1, 1969. These deadlines have been extended one year, as compared to original bills, to afford the States ample opportunity for whatever legislative action may be necessary to provide for these highway safety programs as well as to afford the Secretary ample opportunity to consult with the States and political subdivisions in developing these standards.

Apportionment of funds remains as in the original: 75 per cent on basis of population and 25 per cent as the Secretary deems appropriate (less five per cent administrative costs). Note above, however, that 40 per cent of state funds must be used for local programs.

In addition to the funds for highway safety, the Secretary also is authorized to use funds ($10,000,000 for fiscal 1967 and $20,000,000 fiscal 1968, and $25,000,000 fiscal 1969) for highway safety research and development for: grants to state or local agencies, institutions and individuals for training or education of highway safety personnel; research fellowships in highway safety; development of improved accident investigation procedures; emergency service plans; demonstration projects, and related activities.

Development of Standards

Uniform standards promulgated by the Secretary shall be developed in cooperation with the States, their political subdivisions, appropriate federal departments and such other public and private organizations as the Secretary deems appropriate. The date for the Secretary to report these standards has been moved from January 1, 1967, to July 1, 1967.

Highway Safety Administrator

The bill provides for the establishment of a federal highway safety agency to be headed by a highway safety administrator, appointed by the President with the advice and consent of the Senate. This administrator is responsible for carrying out the provisions of this act. The bill specifies that on highway matters he shall consult with the Federal Highway Administrator.

National Highway Safety Advisory Committee

The composition of this committee (the Secretary, the Federal Highway Administrator and 29 members) has been made more general, rather than specifying the exact numbers of persons from each area. The present bill reads that...not more than 4 shall be federal officers or employees. Members shall be selected from among representatives of state and local governments, of public and private institutions contributing to and affected by or concerned

with highway safety and other public and private agencies, organizations or groups demonstrating an active interest in highway safety as well as research scientists and other individuals expert in this field. They are to be appointed on a staggered basis for three year terms. This committee is authorized to: review research projects or programs; review, prior to issuance, standards proposed by order of the Secretary, and make recommendations on same.

Consumption of Alcohol and Highway Safety

The bill requires the Secretary to make a study of the consumption of alcohol and its effect on highway safety to cover a review and evaluation of state and local laws and enforcement methods, treatment programs, etc. Results are to be submitted to Congress with recommendations for legislation, if warranted, before July 1, 1967.

THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT

This bill relates primarily to the establishment of Federal standards for motor vehicles (any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads and highways, except any vehicle operated exclusively on a rail or rails) and motor vehicle equipment (any system, part or component of a motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part or component as an accessory or addition to the motor vehicle).

The bill provides that the Secretary shall establish by order appropriate Federal motor vehicle safety standards, each such standard to be practicable and to meet the need for motor vehicle safety.

Effect on State Standards

The bill provides that whenever a federal motor vehicle safety standard established under this title is in effect, no State or political subdivision shall have any authority to either establish or continue in effect with respect to any motor vehicle or

item of motor vehicle equipment any safety standards applicable to the same aspect of performance of such vehicle or item of equipment which is not identical to the Federal standard. Nothing in this requirement is to be construed to prevent the Federal government or any state from establishing a higher safety requirement applicable to motor vehicle or equipment procured for its own use.

Prescribing Standards

The Secretary is required to consider relevant data; to consult with the Vehicle Equipment Safety Commission and other such State or interstate agencies as he deems appropriate; to consider whether any such standard is reasonable and practical, and to consider extent to which such standard will contribute to carrying out the purposes of the Act.

Dates Established

Initial standards, based on existing standards, shall be issued on or before January 31, 1967. On or before January 31, 1968, the Secretary shall issue new and revised standards.

Each order shall specify the date such a standard is to take effect which shall be not sooner than 180 days or later than one year from the date such order is issued unless the Secretary finds for good cause shown that an earlier or later date is in the public interest.

National Motor Vehicle Advisory Council

The Secretary is given greater discretion in the establishment of this council since neither numbers nor specific representation are included in the bill. It states simply that the Secretary shall establish a National Motor Vehicle Safety Advisory Council, a majority of which shall be representatives of State and local government and the remainder shall include representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers and motor vehicle dealers.

The National Driver Register

The act providing for original establishment of the Register is amended as follows: That the Secretary of Commerce shall establish and maintain a register identifying each individual reported to him by a State or political subdivision thereof as an individual with respect to whom such State or political subdivision has denied, terminated or temporarily withdrawn (except a withdrawal for less than six months based on a series of nonmoving violations) an individual license or privilege to operate a motor vehicle.

The bill further provides that only at the request of a state, a political subdivision thereof, or a federal department or agency shall the Secretary furnish information contained in the register and that such information shall be furnished only to the requesting party and only with respect to an individual applicant for a motor vehicle operator's license or permit.

Other Provisions

The bill contains a detailed outline of the administration of this Act including notification, certification, civil penalties and other details which we have not attempted to detail since they are of primary interest to the industry.

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As to the highway safety standards being developed by the Office of Highway Safety, Bureau of Public Roads, under the Baldwin Amendment, we presume that the draft standards will now be referred to the newly created National Highway Safety Agency. Such standards, under the new legislation, are to be reviewed by the National Highway Safety Advisory Committee prior to issuance by the Secretary.

What Legislative Action Is Suggested to Situate Montana Within Anticipated Guide Lines Of The Federal Legislation?

Specific safety standards to be promulgated by the Secretary of Commerce and adopted by the States must be published on or before July 1, 1967. As of this date, detail standards have not been published, however, national organizations including the

International Association of Chiefs of Police, American Association of Motor Vehicle Administrators and the American Association of Highway Officials, who have been instrumental in assisting and advising the Secretary of Commerce with reference to safety standards, surmise that one standard will require state adoption of the Uniform Vehicle Code.

1. A revision of Montana's Motor Vehicle Law to comply with the Uniform Vehicle Code (or as close as possible) will be prepared for consideration by the 40th Legislative Assembly.

   Such an enactment would include:

   a) compulsory motor vehicle inspection

   b) adoption of the "Implied Consent Law"

   c) current motor vehicle registration and titling laws

   d) National Dealers Licensing Act

   e) uniform definitions

   f) Antitheft Laws

   g) provision relating to "Owners of FOR RENT Vehicles"

   h) Civil Liability relating to motor vehicles

   i) respective powers of State and Local authorities

   j) procedures for making arrests

   k) penalties and disposition of fines and forfeitures

   l) records and reports of convictions

2. Budget requests have asked for additional personnel and equipment for the Accident Records Section so that an acceptable level of performance may be accomplished to meet standards.

3. Requests for training funds have been included to develop better trained and informed traffic accident investigators.

4. The creation of division within the department, to accomplish compulsory motor vehicle inspection, would require an additional appropriation of approximately $125,000.00 annually. (This function was not included in the Patrols 1967-1969 budget request.)

5. To accomplish adequate surveillance of traffic, the proposed budget included a request for 100 additional traffic officers.

6. The stepped-up driver licensing program would require additional personnel, equipment and operational costs which are not included in the budget.